



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lowe, et al.

Serial No.: 09/371,463

Filing Date: August 10, 1999

For: A METHOD AND SYSTEM FOR
PROVIDING PRIORITY TO A STATION
IN A CONGESTED HALF DUPLEX
ETHERNET NETWORK

Examiner: Patel, N.

Art Unit: 2116

Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
DOUBLE PATENTING REJECTION (37 CFR § 1.321(c))

Dear Sir:

1. Name of Assignee: 3COM Corp.
Address of Assignee: 5400 Bayfront Plaza
Santa Clara, California 95052

2. The Assignee certifies to the best of Assignee's knowledge and belief that Assignee has the entire right, title, and whole interest in and to the above referenced patent application, and represents that the undersigned is authorized to sign on behalf of the above-referenced Assignee.

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Terminal Disclaimer
Examiner: Patel, N.

Serial No. 10/371,463
Group Art Unit: 2116

3. On information and belief, a copy of an assignment or other documents that evidences placement of title of the above-referenced Application in the Assignee is recorded with the United States Patent and Trademark Office at:

Reel: 010166

Frame: 0757

Recorded on: August 10, 1999

A certificate under 37 CFR 3.73(b) is filed herewith regarding the above and establishing the right of the Assignee to take action in the above referenced patent application.

4. Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shorted by any terminal disclaimer, of the prior United States Patent No. 6,606,327 forming the basis of the double patenting rejection is hereby disclaimed except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to prior United States Patent No. 6,606,327; this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the

full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior United States Patent No. 6,606,327 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter or is terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

5. Fee Payment.

Payment is enclosed. Authorization is given to take any additional fee payment due under 37 CFR §1.20(d) from our Deposit Account: 23-0085.

6. The attorney of record is empowered to sign on behalf of Assignee.

7. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: 6/8/05

Reginald A. Ratliff

Reginald A. Ratliff

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CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Lowe et al.

Application No.: 09/371,463

Filed: February 8, 2005

For: A Method and System for Providing Priority to a Station in a Congested Half Duplex Ethernet Network

3Com Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010166, Frame 0757, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current Assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the Assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name: Reginald A. Ratliff

Title: Attorney

Signature: Reginald A. Ratliff

Date: 6/8/05